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Items 3 and 4 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum

Human rights

Information received from Governments

Mexico

I. Response of the Government of Mexico to the recommendations of the Permanent Forum on Indigenous Issues

1. The development of indigenous peoples is a priority for Mexico that involves the coordinated action by the three levels of government, through the National Commission for the Development of Indigenous Peoples (CDI).

2. The annual report on those activities may be consulted at http://www.cdi.gob.mx/index.php?option=com_docman&task=cat_view&gid=18&Itemid=18.

Recommendation 9

3. Since late 2007, CDI has been promoting the consultation on mechanisms to protect the traditional knowledge, cultural expressions and natural, biological and genetic resources of indigenous peoples, which it seeks to complete in 2009, with the aim of establishing a body of law to regulate the protection of traditional knowledge, especially traditional cultural expressions. That process has provided an understanding of how the indigenous population defines traditional knowledge, the current state of that knowledge, factors that endanger it and, in particular, the perceived effects climate change has on it and whether traditional knowledge has been developed to help alleviate them.

Recommendations 10, 11, 17, 25 and 27

4. To encourage the participation and activities of civil society organizations, the Forum on Gender and Sustainable Development in Mexico was held. At the Forum,

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a network of agencies was proposed to work jointly on rural, indigenous, urban and natural issues and thereby to promote the exchange of experience and proposals between the social sector and the government sector.

5. One of the priority research areas for CDI is traditional knowledge, natural resources and the environment; hence it supported in 2008 the study "Climate change and indigenous peoples: documentation and analysis of the problem", in order to examine the topic on the national and international levels and to document strategies for adaptation and mitigation. In 2009, a study is planned on community strategies and traditional practices used by indigenous peoples to adapt to and mitigate the effects of climate change.

Recommendations 19, 31 and 37

6. In 2008, the Programme of Alternative Tourism in Indigenous Areas supported the implementation of 190 ecotourism and rural tourism projects, with a budget of 157.5 million pesos, aimed at rehabilitating, conserving and ensuring sustainable use of the natural resources and attractions in indigenous regions, and their cultural heritage. To support that Programme, 50 alternative tourism destinations in indigenous areas were advertised and promoted in 2008.

7. The Project on Management and Conservation of Natural Resources in Indigenous Areas promotes joint conservation work with agencies and bodies of the Federal, state and municipal public administration, to cooperate in the development and participation of indigenous communities in the preservation of biodiversity, the environment and the natural resources in their territories and regions.

8. The Programme of Promotion and Development of Indigenous Cultures, implemented by CDI, is a strategy for giving effect to the policy of recognizing the multicultural composition of the nation, the right of indigenous peoples to preserve and enrich their languages, their knowledge and the elements that comprise their culture and identity and the right to determine their ways of living with one another and their social, economic, political and cultural organization. At December 2008, 38.84 million pesos had been allocated to support the implementation of 807 cultural projects by indigenous organizations in 768 localities in 26 states, benefiting 14,036 indigenous people — 9,011 men and 5,025 women.

Recommendation 23

9. The fourth National Encounter of Rural, Indigenous and Farming Women was held from 11 to 14 October 2008, in Boca del Río, Veracruz, to provide opportunities for the exchange of experience among rural, indigenous and farming women so as to contribute to the improvement of their community projects and influence the design of gender-focused public policies in the area of food security. The encounter was attended by 400 rural, indigenous and farming women from all over Mexico, and by non-governmental organizations and representatives of the three levels of government involved in rural development and in women's programmes.

Recommendation 62

10. Pursuant to the National Commission for the Development of Indigenous Peoples Act, the Commission's Consultative Council was established. This collegiate and plural body is intended to provide a framework for the initiation of a constructive and inclusive dialogue with indigenous peoples and society. It comprises 198 councillors, namely 140 members of the indigenous peoples of Mexico, 7 councillors representing national academic and research institutions, 12 councillors representing social organizations, 7 councillors who are presiding officers of the Indigenous Affairs Commissions of both chambers of the Congress of the Union and 32 councillors representing the state governments.

11. The Indigenous Consultation System of CDI is a means of recording, systematizing, disseminating and bringing together the opinions, suggestions and recommendations of indigenous peoples and communities with respect to government activities. The system is based on the principles of diversity, equity, permanence, transparency, good faith, effective representation and respect for indigenous cultures and identities. Consultations are carried out using a participatory methodology that involves posing challenging questions on the specific themes dealt with by each consultation, and encouraging the free expression of the indigenous peoples and communities at forums and workshops, colloquiums, etc., while seeking the participation of their traditional institutions and representative authorities.

Recommendation 63

12. The National Commission for the Development of Indigenous Peoples indicated that it will take into account the results of the report on indicators of well-being, poverty and sustainability relevant to indigenous peoples in the work in the field by its Information and Indicators Directorate.

Recommendation 90

13. The Constitution recognizes the rights of indigenous peoples and communities, establishing primarily their rights to self-determination and autonomy; to self-classification; to be recognized as an indigenous people or community; to apply internal legal systems; to maintain cultural identity; to conserve and improve the habitat and to preserve the integrity of their lands; to be consulted and participate; their right to full access to the justice system; and to development under the responsibility of the three levels of government.

14. To date, 30 federal acts and three federal codes that recognize the rights of indigenous peoples and communities have been amended. Similarly, 22 states have amended their local constitutions in the field of indigenous rights and culture; 17 specific local acts have been introduced for indigenous peoples and communities; and in the 31 states and the Federal District secondary acts that establish rights of indigenous peoples and communities have been amended.

15. Together with other Federal Public Administration (FPA) agencies, CDI prepared the 2008-2012 National Human Rights Programme, which contains strategies and policies for CDI and the other FPA agencies relating to indigenous affairs.

16. The Commission has a policy for the development of the effective enjoyment of rights, which includes the promotion of indigenous rights and is aimed at designing materials which will disseminate and raise awareness of the rights of indigenous peoples in order to build a culture of respect for cultural diversity through participation at working sessions, seminars, diploma courses, workshops, forums, congresses, conventions and training courses, and at preparing audio-visual and printed materials with content relating to indigenous rights.

17. On the basis of the Act establishing CDI, in 2008 the Commission, in coordination with other FPA agencies, conducted awareness promotion and capacity-building campaigns for public servants in the field of indigenous rights, inter alia, to promote:

(a) Support for specific projects based on the adaptation and use of the conceptual and methodological framework;

(b) Strengthening of institutional ties and attention to indigenous agendas through the direct transfer of resources; and

(c) Attention to specific sectors and themes and the training of indigenous human resources in the light of the institutional experience gained.

18. In addition, work is being undertaken with community, civil and agrarian indigenous authorities; with community representatives and leaders, community managers, traditional healers and indigenous migrants, and with youths and children, and priority participation by women in the various capacity-building activities is being promoted.

Recommendation 97

19. The National Institute of Indigenous Languages (INALI) has worked on the different problems related to the recognition and effective enjoyment of the linguistic rights of indigenous peoples. It sees as positive developments the constitutional recognition of Mexico's multicultural character and the mention of the right of indigenous peoples to self-determination; the guarantee that the members of indigenous peoples and communities can preserve and enrich their languages, knowledge and all the elements that comprise their culture and identity, and the reforms to the Penal Code and the Code of Criminal Procedure; and the passing of the General Act on the Linguistic Rights of Indigenous Peoples, which resulted in the creation of INALI and of state institutes for indigenous languages.

20. The Institute faces the challenge of carrying out the process of establishing linguistic standardization and the creation of programmes to certify and accredit bilingual technicians and professionals, who are needed to ensure full access to justice and other State services.

21. Similarly, the Coordinating Office for Intercultural Bilingual Education, the General Directorate for Indigenous Education, the National Education Promotion Council and the National Institute for Adult Education of the Ministry of Public Education and INALI have worked on revising indigenous education processes and producing educational and teaching materials in order to arrive at a more suitable model for primary, middle and higher indigenous education.

Recommendation 105

22. One of the commitments made by all the institutions invited to the first International Forum of Indigenous Women, held in Lima in April 2008, was to publicize the recommendations emanating from that event, and to collaborate in the promotion of the activities deriving from those recommendations, especially when they promote the participation, development and equality of indigenous women.

Recommendation 110

23. As a result of the growing awareness and recognition of the rights of migrant and city-dwelling indigenous peoples, policies have been undertaken to afford indigenous populations in cities access to basic needs and courses and workshops have been organized for public servants that deal with the importance of recognizing migrant and urban indigenous people as people with rights who must receive the priority attention required by their high social, economic and identity vulnerability. Special mention should be made of the study entitled "Internal migration and urbanization. Indigenous population in urban centres", which was distributed to all state delegations and all CDI Coordination Centres for Indigenous Development, to promote concrete actions aimed at this sector of the population.

Recommendations 128, 134 and 139

24. A first step towards the implementation of the United Nations Declaration on the Rights of Indigenous Peoples is the dissemination of its content. Accordingly, a campaign is under way to disseminate the substantive articles of the Declaration through the CDI System of Indigenous Culture Radio Stations and the publication of a pocket edition. Similarly, there is the translation into indigenous languages that CDI is having done in coordination with INALI and the offices in Mexico of the United Nations Development Programme (UNDP), the United Nations Information Centre and the Office of the United Nations High Commissioner for Human Rights.

25. At the end of 2008 the translations into Maya and Nahuatl had been published, and they will be distributed in 2009. The completed translations in the process of being published are in Tzeltal, Chol, Mazahua, Huasteca Nahuatl, Northern Chinantec, Isthmus Zapotec and Western Huasteca Nahuatl. In 2009, 20 translations into the most widely spoken and written indigenous languages are expected to be completed.

26. In the context of international cooperation between CDI and UNDP, there are plans to combine the distribution of the translations of the Declaration into indigenous languages with seminars on indigenous rights aimed at the indigenous peoples and communities of Mexico.

27. It is seen as important to ensure, through regional expert meetings, follow up on the results of the international expert group meeting on the role of the Permanent Forum on Indigenous Issues in the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples.

Recommendation 149

28. CDI issues legal opinions aimed at the conduct of technical and legal studies of draft legislation prepared by federal or local lawmakers, in which legal modifications are proposed to provide the basis for the recognition of indigenous

rights or mechanisms to ensure their effective enjoyment. In that context, legal opinions have been issued on the possibility of:

(a) Establishing the right to acquire, operate and manage communication media for indigenous peoples and communities; and

(b) Establishing access for concession and permit holders to new technologies, and including stations belonging to indigenous peoples and communities.

Recommendation 155

29. In fiscal year 2008, the Government of Mexico made a donation of US$ 21,500.24 to the United Nations Voluntary Fund for Indigenous Peoples. The contribution of another donation equivalent in dollars to 250,000.00 Mexican pesos is planned for 2009.

30. With respect to the work of the Permanent Forum, the Government of Mexico, at the request of the Non-Governmental Organizations Committee on the International Decade of the World's Indigenous Peoples, made a donation of $1,911.13 to support the reception at the seventh session of the Permanent Forum, held in New York on 22 April 2008.

II. Economic and social development

31. The actions and programmes aimed at developing the basic social infrastructure of indigenous peoples and communities and at enhancing the basic capacities of their members account for a significant part of the 2008 budget.

32. Federal expenditure on the indigenous population in 2008, 31 billion Mexican pesos, was 3.8 per cent greater in real terms than in 2007. Major portions of it are allocated to the Opportunities Programme, the Programme of Direct Support to the Rural Areas, the Mexican Social Security Institute Opportunities Programme and the Programme of Basic Infrastructure for Assistance to Indigenous Peoples of CDI.

33. In 2008, the CDI Regional Indigenous Funds Programme financed productive programmes through 203 funds totalling 276.6 million pesos, reaching 10.6 per cent of the target population, that is 17,152 producers, channelled through 1,463 indigenous organizations.

34. In 2008, 6,798.6 million pesos in federal resources were used to support various FPA agencies and bodies to carry out productive activities. Among the most important lines were funds to support agricultural activities and forestry, accounting for 75.6 per cent and 7.2 per cent respectively.

35. The Programme for the Coordination of Support for Indigenous Production carried out by CDI together with municipal and state governments and agencies and bodies of FPA, as well as civil society organizations, supports sustainable productive projects to contribute to revenue-building among the indigenous population and improve its quality of life. In 2008, disbursements totalling 105.1 million pesos were made in support of 249 productive projects that benefited 15,187 indigenous producers.

36. In 2008, together with state governments and federal agencies, CDI agreed on the conduct of 1,957 basic infrastructure works and actions (highways, roads, electrification and potable water and sewers) benefiting 1,479,025 inhabitants of 2,191 highly and very highly marginalized localities, located in 25 states: 0.6 per cent more localities benefited than in the same period the previous year.

III. Indigenous women

37. The National Institute for Women (INMUJERES), as the guiding body for national policy in gender equality, is responsible, among other things, for promoting new equitable relations between women and men in order to bring about a transformation of culture and State structures so that women will be able to enjoy the full exercise of their human rights.

38. The actions, projects and programmes undertaken by the National Institute for Women in 2008 to support the development of indigenous peoples were implemented within the framework of the national policy for equality between women and men and the goals of the National Programme for Equality between Women and Men (PROIGUALDAD) 2008-2012. They included the following:

(a) Institutionalizing a gender-oriented cross-cutting policy in FPA and building the mechanisms to contribute to its adoption by the three branches of the State, by the levels of government and in the private sector;

(b) Guaranteeing legal equality, women's human rights and non-discrimination, in the framework of the rule of law, including through bringing national legislation into line with the Declaration on the Rights of Indigenous Peoples; establishing affirmative action so that indigenous women and girls can have access to scholarships and support funds so as to guarantee equal opportunities of access to all forms and levels of education; ensuring the participation and representation of indigenous women in the formulation of programmes and actions that meet the needs and improve the living conditions of their communities; and publicizing in indigenous communities the sexual and reproductive rights of women, involving men and the communities in respecting and guaranteeing them; and other activities;

(c) Including affirmative actions for women in the special programme for indigenous peoples and biodiversity and including the needs for attention and care of the family members of women participating in the productive programmes, so as to reconcile work and family in the rural environment;

(d) Promoting the empowerment of women, and their participation and representation in decision-making in the State, and consolidating the culture of democracy.

39. To help improve the situation of indigenous women's health through inter-institutional ties that will promote the development and strengthening of their capacities and those of the health workers who provide services in rural and indigenous communities in some of the priority municipalities, in 2008 a campaign was started to promote comprehensive health care for indigenous women. That campaign has two components: (a) training and awareness promotion of health workers and (b) development of the capacities of indigenous women.

40. As part of the first component, in October the National Centre for Gender Equity and Reproductive Health of the Ministry of Health, INMUJERES and the health services of the state of Oaxaca organized an all-day session of awareness promotion and training in gender and reproductive and sexual health aimed at women and men doctors, nurses, social workers, psychologists, community health promoters, traditional healers and midwives of the state of Oaxaca.

41. Similarly, in the second component a radio spot was recorded on the rights of women as health service users, to be broadcast in 2009 by indigenous language radio stations.

42. The Indigenous Women's Productive Organization Programme of CDI seeks to contribute to improving the living conditions and social position of women who live in highly and very highly marginalized localities by strengthening their organization in connection with productive projects. In 2008, 181.3 million pesos were programmed, supporting 2,188 projects, 48.1 per cent more than were supported in 2007. The number of women who benefited was a little over 37 per cent greater than the figure reported for the previous year, up to 26,324 from 19,134. Scholarships were awarded to 207 indigenous women promoters, with a total of 3,000 pesos each.

43. The support provided by the Programme allowed solidarity groups of indigenous women with an incipient level of organization, a high degree of marginalization and scarce economic and commercial experience to strengthen their organizational processes for the development of productive projects.

44. To contribute to reducing gender inequalities in indigenous peoples, CDI carried out the following steps to promote awareness and strengthen indigenous capacities:

(a) A total of 213 actions were carried out, divided into skills and training workshops with indigenous women, youths and authorities; diploma courses to train and certify indigenous promoters; certification processes for indigenous promoters; forums with indigenous women and workshops with representatives of women's hostels;

(b) Agreements were signed with state and municipal and academic institutions and civil society organizations to provide women with health care and to combat violence against women;

(c) Awareness promotion activities for public officials were conducted, divided into diploma courses to train institutional trainers and multiculturality and gender workshops.

IV. Millennium Development Goals

45. With respect to progress in meeting the Millennium Development Goals, the indigenous population indicators, included in the document entitled "The Millennium Development Goals in Mexico: 2006 progress report" are worth noting. Those indicators will be updated by CDI once all the information on the indigenous population that will be gathered by the XIII National Population and Housing Census, to be conducted by the National Statistics and Geography Institute in 2010, is available.

V. Recommendations made by the Permanent Forum

46. The Government of Mexico feels that one of the main difficulties in applying and following up on the recommendations of the Permanent Forum is the large number made at each session. It therefore reiterates that it would be better to reduce their number, focus them on concrete results that would facilitate their follow-up and identify which of them are considered priorities for progress by States.

47. Coordination with United Nations agencies, programmes and funds based in Mexico has been an important factor in advancing the application of the recommendations issued by the Permanent Forum. One example of this is the offer made by UNICEF to (a) train operators of indigenous school shelters operated by CDI in children's rights, so that they can pass on that knowledge to the child users of the shelters and to their communities; and (b) support the acquisition of two mobile units to register children in indigenous communities. To start these areas of cooperation between CDI and UNICEF, a framework agreement will be made in the second half of 2009.

VI. National institution

48. As indicated in the report on follow-up to the recommendations of the Permanent Forum at its sixth session, the Government of Mexico has established CDI, a decentralized non-sectoral body of FPA. It has legal personality, its own assets, operating, technical, budgetary and administrative autonomy; its headquarters are in Mexico City, and it is tasked with guiding, coordinating, promoting, supporting, encouraging, monitoring and evaluating programmes, projects, strategies and public actions for comprehensive and sustainable development of indigenous peoples, pursuant to the provisions of article 2 of the Political Constitution of the United Mexican States.

49. The Commission operates in 24 states of Mexico through 110 Coordination Centres for Indigenous Development, a Centre for Research, Information and Documentation of the Indigenous Peoples of Mexico, 28 regional centres and 1,085 indigenous school shelters.